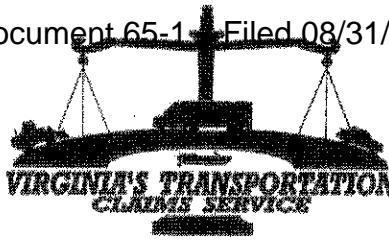


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LETTER OF REBUTTAL

Ref: Karen White
2009 BMW 335d 4Dr Sdn
VIN: WBAPN73569A265980

To whom it may concern,

The purpose of my physical inspection that I performed on 07-26-2012 was to confirm prior repairs and determine if the subject vehicle should be declared a lemon. Also to determine if Diminished Value had occurred (See attached report) due to the excessive repair history including the engine replacement which is considered a major component. An engine replacement does not usually add to value especially when a vehicle has a repeated history of repairs and the factor of body engine mix-match mileage conflict etc.

Reviewed multi repair and diagnostic documents provided by vehicle owner. Concluded this vehicle has been in the repair shop more than a reasonable amount of occasions for multi repeated operations as the documents show. Also observed this vehicle has sustained an engine replacement.

Obtained NADA report. (See attached report) Observed current retail value and New/MSRP value as report shows including deduction/allowance for mileage differential (Note: diesel engines are known to outlast gasoline engines when compared to wear/mileage). Researched and compared 3 comparable vehicles (same year, make and model) currently for sale (See attached report).

Concluded and consider this vehicle to be a Lemon based from the excessive mechanical repair history as the repair documents show.

The warranty issues and excessive repair history this vehicle sustained was obviously agreed to be covered under warranty by the dealer and manufacturer. At this point the sulfur issues appear to be irrelevant and do not change the excessive repair history.

I have over 26 years of experience performing Technical Mechanical Inspections and Specialty appraisals on automobiles, large trucks motorcycles and specialty equipment. Certifications/Training include: AMI Smart estimating, EZESt/CCC Collision estimating, UDM/NADA Advanced estimating, Audatex Auto Collision estimating, Mitchell Auto/Truck estimating, Chief Structural/Frame/Unitized Body, I-CAR Collision 2000, I-CAR Body, Refinishing, I-CAR Structural, I-CAR Advanced Vehicle Systems/SRS-Air bag/Passive Restraint Systems, ASE. Etc. (Additional ongoing).

Fees: Specialty Appraisal fee: \$485.00. TMI Physical inspection fee: \$185.00. Court appearance Service Fee (Flat Rate includes travel) \$485.00 per appearance.

I have testified in multi Virginia courts including but not limited to the following locality's: Alexandria, Arlington, Chesterfield, Charlottesville, Fairfax, Henrico, Hanover, King George, Lunenburg, Norfolk, Prince William, Prince George, Richmond, Stafford, York.

Sincerely,

Date: 08/30/2012

Randy S Baker Sr
Founder/Virginia's Transportation Claims Service
Statewide Specialty Appraisals
Toll Free 1-866-512-2155
Email: rsbvtc@msn.com
Web: vtcservicesinc.com



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COURT CASE RECENT HISTORY

Case# GV12006493-00 Prince William, VA Plaintiff-Shepherd / Dangler, Judge awarded **\$10,243.00** ref to Diminished Value loss.

Case# GV11000512-00 King George, VA Plaintiff-Sigmon / GDC INC, Judge awarded full amount of Virginia's Transportation Claims Services Diminished Value report in the amount of **\$8,853.25** ref to Diminished Value loss.

Case# GV12002158-00 Prince William, VA Plaintiff-Rodriguez / Fabre, Judge awarded full amount of Virginia's Transportation Claims Services Diminished Value report in the amount of **\$7,435.00** ref to Diminished Value loss.

Case# GV12001286-00 Henrico, VA Plaintiff-Goodman / Patrick Chevrolet, Judge awarded **\$19,800.00** ref to Diminished Value loss.

Case# GV07013412-00 Henrico, VA Plaintiff-Sagona / Pierce, Judge awarded **\$10,000.00** ref to Diminished Value loss.

Case# GV08000063-00 Lunenburg, VA Plaintiff-Johnson / Simmon Judge awarded full amount of Virginia's Transportation Claims Services Diminished Value report in the amount of **\$4,438.20**. Judge stated at the end of the trial that before he was a Judge he was an attorney for insurance companies and had seen plenty of DV reports and claims. He further stated that VTC Services Diminished Value report was the best DV report that he had seen in his entire career.

Case# GV11000350-00 Prince George, Plaintiff-Padilla/ Defendant-USAA Insurance Co D.O.L 12-13-2010. Based from Facts of loss that were proven including Virginia's Transportation Claims Services Diminished Value report and testimony Judge awarded **\$8,048.75**.

Case# GV11000943-00 Chesterfield, Plaintiff -Bridgers D.O.L. 08/17/2010. Judge awarded full amount of Virginia's Transportation Claims Services Diminished Value report in the amount of **\$9,231.25**.

Case# GV11002991-00 Henrico, VA Plaintiff-Graves D.O.L. 07/28/2010 Judge awarded full amount of Virginia's Transportation Claims Services Diminished Value report in the amount of **\$8,146.25**. Note: This case was appealed to circuit court on 06/08/2011. Plaintiff was again awarded the full amount of Virginia's Transportation Claims Services Diminished Value report in the amount of **\$8,146.25**

Case# GV10024475-00 Henrico, VA Plaintiff -Dewashinghe D.O.L. 12/13/2009 Judge awarded full amount of Virginia's Transportation Claims Services Diminished Value report in the amount of **\$4,918.65**.



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SUMMARY REPORT

Ref: Karen White
2009 BMW 335d 4Dr Sdn
VIN: WBAPN73569A265980

To whom it may concern,

I performed a physical inspection on the above described vehicle on 07-26-2012. Reviewed multi repair and diagnostic documents provided by vehicle owner and concluded this vehicle has been in the repair shop more than a reasonable amount of occasions for multi repeated operations as the documents show. Also observed this vehicle has sustained an engine replacement.

Researched and compared (See attached) 3 comparable vehicles (same year, make and model) currently for sale. Obtained NADA report. Observed current retail value and New/MSRP value as attached NADA report shows. Calculated and determined Diminished Value has occurred (See attached report).

Concluded and consider this vehicle to be a Lemon based from the excessive mechanical repair history.

I have over 26 years of experience performing Technical Mechanical Inspections and Specialty appraisals on automobiles, large trucks motorcycles and specialty equipment. Certifications/Training include: AMI Smart estimating, EZEst/CCC Collision estimating, UDM/NADA Advanced estimating, Audatex Auto Collision estimating, Mitchell Auto/Truck estimating, Chief Structural/Frame/Unitized Body, I-CAR Collision 2000, I-CAR Body, Refinishing, I-CAR Structural, I-CAR Advanced Vehicle Systems/SRS-Air bag/Passive Restraint Systems, ASE. Etc. (Additional ongoing).

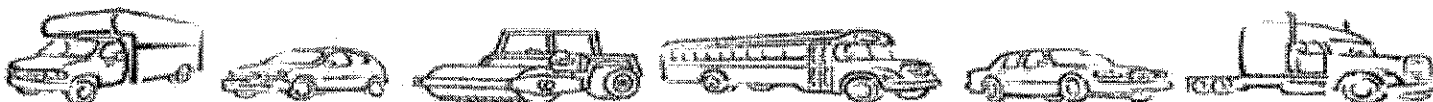
Fees: Specialty Appraisal fee: \$485.00. TMI Physical inspection fee: \$185.00. Court appearance Service Fee (Flat Rate includes travel) \$485.00 per appearance.

I have testified in multi Virginia courts including but not limited to the following locality's: Alexandria, Arlington, Chesterfield, Charlottesville, Fairfax, Henrico, Hanover, King George, Lunenburg, Norfolk, Prince William, Prince George, Richmond, Stafford, York.

Sincerely,

Date: 07/31/2012

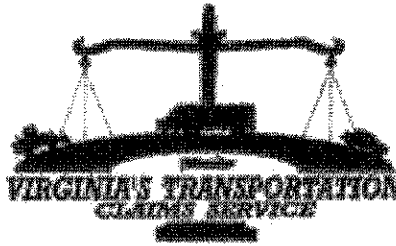
Randy S Baker Sr
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FEDERAL I.D. 20-3610254

INV# 198954

INVOICE

INV. DATE 08-30-2012

CLIENT: Consumer Litigation Associates, P.C./Donna Winters for Karen White

CLAIM # N/A **INSUR. CO:** N/A

ADDRESS: 763 J. Clyde Morris Blvd., Suite 1-A, **TYPE:** Auto Specialty Appraisal
Newport News, VA 23601

PHONE: (W) (757) 930-3660 **Fax**(757) 930-3662

Subject Vehicle: 2009 BMW

Rebuttal Report PKT: \$485.00

Grand Total: \$485.00

Pre-Paid as per Donna Winters

SEND PAYMENT TO:
VIRGINIA'S TRANSPORTATION CLAIMS SERVICE
P.O. Box 607 Midlothian, VA 23113
